CWP No.925 of 2007

03.07.2007 Present: M/s Ashwani Kaundal and Sanjay Gandhi, counsel for the petitioner.
Mr. M.S.Chandel, Advocate General with Mr. R.M.Bisht, Dy. Advocate General for respondents No.1 to 3.

This writ petition is directed against the orders of the Financial Commissioner (Appeals) in Appeal No.8 of 2005 dated 5.12.2006 whereby the appeal preferred by the petitioner has been dismissed.

Briefly stated the facts of the case are that respondents No.4 to 6 filed an appeal under Section 14 of the Himachal Pradesh Land Revenue Act against the mutation No.57 dated 28.3.2001 and mutation No.87 dated 29.6.2002. This appeal was preferred before the Collector, which appeal was time barred. Alongwith the appeal, an application for condonation of delay was filed. On 19.4.2004, the matter was taken up by the Collector and he, after hearing counsel for the appellant before him, came to the conclusion that the delay should be condoned. He also noted that the present petitioner had not objected to the application for condonation of delay being allowed. The case of the petitioner is that no such concession was given by him and this concession has wrongly been recorded.

The sanctity attached to any judicial order cannot be set at naught only by such an allegation made in an appeal. A perusal of the order dated 19.4.2004 clearly shows that the Collector had

allowed the application for condonation of delay. This order has been upheld by both the Deputy Commissioner and the Financial Commissioner. No jurisdictional error has been pointed out to us and therefore, this order calls for no interference in exercise of the extraordinary writ jurisdiction of this Court.

CMPs No.1582 and 1583 of 2007

Infructuous.

(Deepak Gupta),ACJ.

3rd July, 2007 (V.K.Ahuja),J.
(sds)